



**CITY
OF
NORWICH**

Mayor Benjamin P. Lathrop

September 29, 2008

State Senator Eric Coleman
State Representative Art Feltman
Chairmen Continuing Legislative Committee on Planning and Economic Development
Legislative Office Building
Hartford, CT 06106-1591

Dear Chairmen Coleman and Feltman;

The matter of a vote taken on July 10, 2008 remains of particular concern to officials in the City of Norwich as well as its residents. On that date the Continuing Legislative Committee on Planning and Economic Development voted by a 3-2 margin to approve the application of Messrs. Abele and Donner of Norwich to override the negative recommendation of the State Office of Policy Management received by the City on June 13, 2008. A careful analysis of the record of the meeting will reveal there were significant questions about the position of Norwich Officials on the matter. Despite that, a vote was taken. In hindsight, we would have preferred that the Committee had tabled the matter and asked City officials to attend a rescheduled meeting to address your concerns.

Notice had been tendered by Norwich Officials on June 2, 2008 indicating the City would not seek nor would pass on the opportunity to have a public hearing on the matter. This decision was based upon a planning review by staff. In part, documents supporting the decision to waive the opportunity for a joint public hearing to be held locally were the 2003 City of Norwich Plan of Conservation and Development, Norwich Department of Public Utilities infrastructure plans and City of Norwich Zoning Regulations.

A more comprehensive document citing items reviewed, relative to the waiver of the local hearing, is attached for your review. One must keep in mind that the subject of the request at the time of staff review was the potential extension of public infrastructure, not a specific project. In light of these factors, we believe staff's findings were appropriate.

Within the past week, the subject at hand has taken on additional significance, due in no small part to the neighborhood reaction to the proposed active adult community project. In light of the recent level of local concern, I am requesting on behalf of the City that when your committee next convenes you allow a motion to be made and rule favorably on having this vote reconsidered. I look forward to your response and appreciate your consideration in the important matter.

Sincerely,

Benjamin P. Lathrop, Mayor
Enclosure(s)

100 Broadway, Norwich, Connecticut
Telephone (860) 823-3742 Fax (860) 885-2914
E-Mail mayorsoffice@cityofnorwich.org



CITY OF NORWICH
Department of Planning & Development
23 Union St.
Norwich, CT 06360
(860) 823-3766

Peter W. Davis
Director

Michael Schaefer
City Planner

September 22, 2008

TO: Alan Bergren
City Manager

From: Peter W. Davis 
Director Planning & Development

Subject: Waiver of Public Hearing; Norwichtown Development, LLC

Relative to my decision to notify the State of Connecticut that the City would be waiving our right to a local hearing, I offer the following:

- The request for a determination on the necessity of conducting a local hearing on the matter of the developer's request to modify the State's Conservation & Development Policies Plan was referred to me for review and comment by the Mayor and City Manager's offices. I also received a copy of the same State documents addressed to the Chair of the Commission on the City Plan.
 - In part, my job description requires that I review and comment on planning & zoning matters to various City agencies.
-
- The proposed change to the State C & D Plan would permit the developer to submit an application to the City for consideration of a proposed Active Adult Community, which would in part include the extension of utility infrastructure (water & sewer) to the proposed site.
 - Planning and NDPU staff had been working with the developer on the matter of modifying the State C & D Plan.
 - Our City of Norwich Zoning Ordinance allows for the proposed level of development in accordance with the regulations for an Active Adult Community, unanimously adopted by the City Council in early 2007.
 - Our zoning ordinance requires that Active Adult Community be served by municipal water & sewer, or a community system. The applicant chose to design the project to be served by municipal water and sewer instead of an on-site community system. Accordingly, the need for the request to modify the State C & D Plan.

- Our zoning ordinance requires that any application for a proposed Active Adult Community be subject to a public hearing conducted by the Commission on the City Plan. There are extensive public notification requirements as part of the special permit application process. In fact, the public notice requirements for Active Adult Community applications exceed any other public notice requirements in our current zoning ordinance.
- I thought that it would not be prudent to place the issue of the proposed change to the State C & D Plan in front of the Commission on the City Plan in order that the City avoid the appearance that there was a pre-determined opinion of the Active Adult Community proposal before the public hearing date was set. There is also the threat of ex parte communication occurring under such circumstances.
- The Commission on the City Plan, with a large amount of public and City support, recently approved a development within the same neighborhood that consists of 600 residential units, a golf course resort, including a large community facility and a significant road extension that opens up approximately 70 acres of commercial land for development. This project also included major infrastructure upgrades from Rte 97 to Canterbury Turnpike and Lawler Lane at the developer's cost, in order to serve the project. During these hearings, there was no negative comment entered into the public record relative to the proposed infrastructure improvements. In fact, the improvements were embraced by every level of City government.
- Extension of water & sewer utility infrastructure to the rural areas of the City is a stated goal of The 2003 Plan of Conservation and Development. The 2003 Plan update was unanimously adopted by the City Council in 2003.
- For approximately four years, City staff and administrators have been working together with Norwich Public Utilities and the Fire Service to develop a plan for the extension of public water infrastructure into areas of the City that are under-served. The primary driver of this effort has been the development of multi-family housing in such areas. I considered this an opportunity to further extend municipal infrastructure, at the developer's cost, to an under-served area that is experiencing increased development pressure.
- Relative to the proposed housing density level, there are public health and resource protection values associated with the extension of public water and sewer service to areas such as the proposed development site.
- After objectively reviewing these factors, I drafted letters for the Mayor and Chairman of the Commission on the City Plan to waive our right to a local public hearing. After a brief discussion with the Mayor and the Chair of the CCP, they deferred to my advise on the matter. I also submitted a similar letter to the State under my signature.

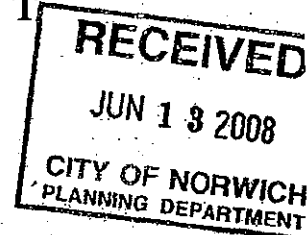
Based upon the circumstances and the facts available to me at the time, I feel that I responded appropriately to the State's request.



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT
INTERGOVERNMENTAL POLICY DIVISION

June 9, 2008



Members of the Continuing Legislative Committee on
State Planning and Development:

The Honorable Eric D. Coleman
The Honorable Art Feltman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Antonio (Tony) Guerrero
The Honorable Jack Malone
The Honorable Richard Roy

Dear Senators and Representatives:

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Section 16a-32-5 of the Regulations of Connecticut State Agencies, the Office of Policy and Management (OPM) hereby submits its Findings and Recommendations on the Norwichtown Development, LLC application for an interim change to the *Conservation and Development Policies Plan for Connecticut, 2005-2010 (C&D Plan)*.

Under State statutes, the Continuing Committee has thirty (30) days from receipt of OPM's recommendation to act on the proposed interim change application. My staff and I are available to meet with you at your convenience during this period, if you should have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to be "W. David LeVasseur", written over a horizontal line.

W. David LeVasseur, Undersecretary
Intergovernmental Policy Division

Cc: Senator Edith Prague, 19th Senate District
Bill Hogan, DEP
Peter Davis, Director of Planning & Neighborhood Services
Alan Bergren, City Manager
Benjamin P. Lathrop, Mayor
Gregory A. Sharp, Murtha Cullina LLP
James Butler, Southeastern Connecticut Council of Governments

Findings and Recommendations

Norwichtown Development, LLC.

Request for an Interim Change to the Locational Guide Map Conservation and Development Policies Plan for Connecticut, 2005-2010

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Sections 16a-32-1-6 of the Regulations of Connecticut State Agencies, Norwichtown Development, LLC requests an interim change to the Locational Guide Map of the State's Conservation and Development Policies Plan (C&D Plan).

Norwichtown Development LLC., requests that the C&D Plan designation for a 59.9-acre parcel bounded by Scotland Road on the East, and Hansen Road to the West, be changed from "Rural" to "Neighborhood Conservation" (see attached maps). In accordance with state regulations, the City of Norwich was afforded the opportunity to request a joint public hearing with OPM and the Continuing Committee regarding this application. The City opted to waive its right to a public hearing.

Background

The request is a result of Norwichtown Development's desire to develop an "Active Adult Community" on the subject property. The easterly third of the property, adjacent to Scotland Road is subject to a recorded conservation easement and is not part of the requested change in designation. The current zoning designation is R-80, which according to the City's zoning regulations requires an 80,000 square foot minimum lot size (approximately 1.8 acres) or 0.5 units per acre. The applicant has indicated that under Special Regulations the property would be eligible for development of a greater density if its use were restricted to an "Active Adult Community." The Density Standards for an Active Adult Community would allow up to 8 units per acre.

The applicant asserts that in order to facilitate this development it is necessary to extend public water and sewer to this parcel. The current Rural Lands designation would prohibit the use of state funds supporting the introduction of such infrastructure to this area. Thus, the applicant is requesting a change to a Neighborhood Conservation designation whereby the extension of infrastructure would be consistent with the C&D plan.

Recommendation

OPM recommends that the Continuing Committee **not approve** Norwichtown Development's request to change the sites' C&D designation from "Rural" to "Neighborhood Conservation." In order to provide this site with access to public water and sewer, it would require the extension of public water and sewer approximately 5,000 feet. Nearly 2,500 feet of this would go through areas designated as Rural and Conservation areas, which are not addressed in this application, before reaching the subject property. OPM's concern is that such an extension would facilitate further intensive development in these areas that are not subject to a change under this

application. In doing so, the potential exists for further requests for changes to the C&D Plan's Locational Guidemap requiring the action of OPM and the Continuing Committee.

In addition to potential impacts on other areas, OPM questions the necessity for the change at this time. The applicant indicates that the City's zoning regulations require that Active Adult Communities be connected to public water and sewer. However, Section 7.6.4(h) of the Norwich zoning ordinance states:

"Sanitary Requirements. All such buildings shall be connected to public water and sanitary sewerage systems, or private sewerage systems which meet the requirements of local and state department of health."

OPM is not aware if the applicant has investigated the potential of on-site alternatives for water and sewer in this area such as a community septic system or alternative treatment technologies. The use of such technologies, when constructed properly, can provide for the type of development density the applicant seeks. Such alternatives could negate the need to extend public utilities to the subject parcel, yet still accommodate cluster type or "Conservation Development" techniques that are supported in the C&D Plan for Rural Lands.

The City of Norwich has waived its right to a public hearing with regard to this application. As a result, OPM must make this recommendation based solely on the information presented by the applicant. OPM is not aware of any previous approvals issued at the local level, including a willingness or capacity to service this area with public water and sewer. Further OPM is not aware of any measures that may be in place to limit development densities that may be achieved in the additional areas not subject to this application, through the introduction of this infrastructure. Similarly, OPM is not aware of any provisions for open space preservation or "Conservation Development" techniques that may be planned on site. The City's plan of conservation development does encourage development of elderly housing yet also encourages the maintenance of low-density development within this particular area (known as the "Plain Hill" area). Additionally, the plan suggests that subdivision design should be done in accordance with the natural carrying capacity of the land, which is consistent with the current designation of Rural Lands.

In light of these issues, OPM recommends that this area remain designated as Rural Lands. There are significant areas in Norwich designated for growth where the use of state funding for infrastructure and development of this nature would be more appropriate. Neighborhood Conservation areas are typically already developed, dense residential areas with existing infrastructure. Generally, state policy for these areas is to promote infill development where the infrastructure to support it exists. Considering the low-density zoning of the area, OPM believes a change from Rural to Neighborhood Conservation would not be appropriate for this area.

NORWICH TOWN **Development, LLC** **Proposed Interim Change**



Conservation and Development
 Policies Plan for Connecticut
 2005-2010
 Locational Guide Map

Legend

- Towns
- Tribal Settlement Area

Streets

- Interstate
- U.S. Route
- State Highway
- Local Road
- Rail

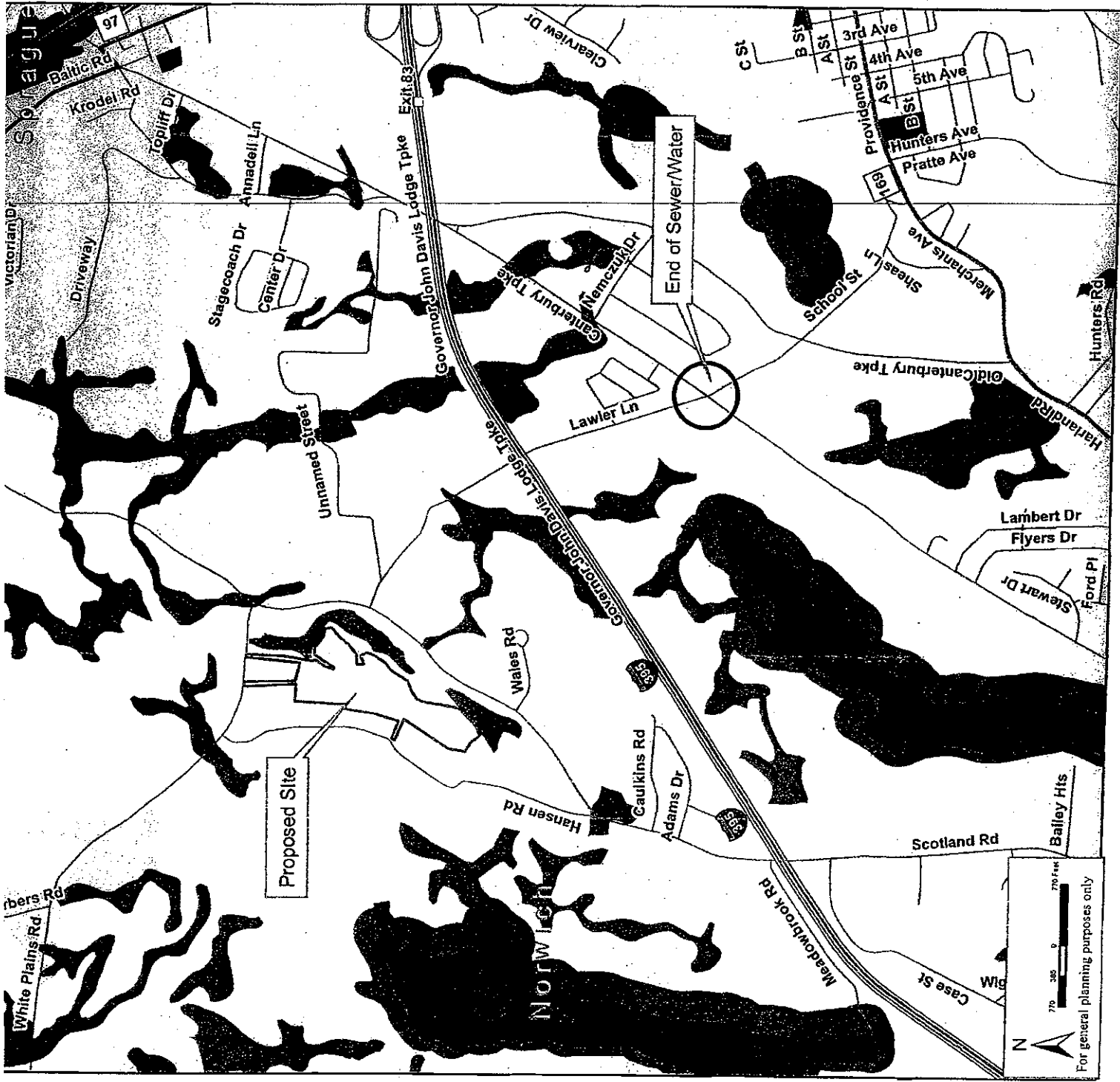
Conservation Policies

- Existing Preserved Open Space
- Preservation Area
- Conservation Area
- Rural Lands
- Aquifer Protection Area
- Historic Districts

Development Policies

- Regional Center
- Neighborhood Conservation Growth Area
- Rural Community Center

☐ Proposed Change



June, 2008

TCORS

Tobin • Carberry • O'Malley • Riley • Selinger, P.C.

• Counsellors at Law •

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September 24, 2008

Delivered via Email & Mail

pdavis@cityofnorwich.org
norplan@cityofnorwich.org

Chairman Raymond Baribeault
Norwich Inland Wetlands, Watercourses,
and Conservation Commission
23 Union Street
Norwich, CT 06360

RE: Sawmill Estates
Active Adult Community Project
Lawler Lane Infrastructure Concerns
Our File #4511.96011

Dear Ray:

On behalf of our client, Byron Brook Country Club, LLC ("Byron Brook"), we are writing in reference to the proposed 185-unit active adult community project located along Scotland Road ("Sawmill Estates Project") which is currently pending approval before the Norwich Inland Wetlands, Watercourses, and Conservation Commission (the "Commission"). As you are aware, Byron Brook received approvals from both the Commission and the Norwich Commission on the City Plan (the "CCP") in 2006 for a large-scale resort and luxury condominium project (the "Byron Brook Resort") located directly to the southeast of the Sawmill Estates Project. Byron Brook continues to work closely with state and federal officials to obtain the final environmental and traffic approvals necessary for this project to proceed forward.

Byron Brook fully supports the development of responsibly planned active adult communities throughout the City of Norwich (the "City"), where necessary infrastructure is available to support such development and its associated densities. Byron Brook is deeply concerned, however, with the proposed offsite utility plans for the Sawmill Estates Project and the potential for associated impact to adjacent inland wetland resources. Consequently, we would respectfully ask that this letter, as well as the attached engineering memorandum, be entered into the record of the Commission's public hearing on the Sawmill Estates Project scheduled to be held on October 2, 2008.

As indicated in the attached engineering memorandum dated September 23, 2008 and prepared by Fred D. Mock, P.E. of McFarland Johnson, the sanitary sewer upgrades proposed for Lawler Lane as part of the Sawmill Estates Project are wholly inconsistent with the upgrades approved by the Commission and the CCP in 2006 as part of the Byron Brook Resort. Not only does the proposed sanitary sewer force main provide no public benefit to other property owners or developers in the immediate area, but its installation will only require additional disturbance at a later date for supplemental utility service within

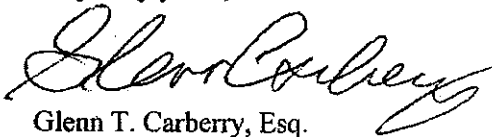
the upland review area of other inland wetland areas. As the Commission may recall, the headwaters of Byron Brook itself flow under Lawler Lane and numerous associated inland wetland complexes lie within close proximity to the roadway, many within sight of the edge of pavement. Since these wetlands have not been properly delineated or even approximated on the Sawmill Estates Project offsite utility plans, we would submit that the application fails to meet the Commission's requirement that necessary regulated areas be depicted on the plans pursuant to Section 7.3 of the Norwich Inland Wetlands and Watercourse Regulations. Consequently, the Commission cannot properly evaluate the regulated or upland review impacts associated with the sanitary sewer force main installation.

Furthermore, as part of the approved Byron Brook Resort, the City required the reconstruction of Lawler Lane and its reconfiguration to remove a dangerous S-curve between I-395 and Scotland Road. This necessary safety improvement has not been depicted on the Sawmill Estates Project plans and instead the sanitary sewer force main is being shown as running through land that has been already designated to be transferred to Byron Brook as part of the roadway reconfiguration. While the pending application presents obvious logistical problems for our client, more importantly, it must be acknowledged that extensive inland wetland areas run along both sides of Lawler Lane in the area of this curve and have not been properly evaluated or considered in the Sawmill Estates Project plans. This particular area along the curve and the potential for impacts to adjacent wetlands has been a focus of the CTDEP and the ACOE during our state and federal permitting for the Byron Brook Resort. Consequently, we would caution the Commission that deviation from the approved Byron Brook Resort plans for this portion of Lawler Lane may cause unnecessary disturbance to inland wetland areas.

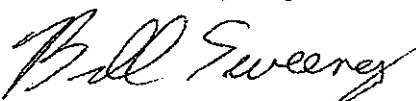
Byron Brook has taken great efforts to plan and design the Byron Brook Resort to minimize any unnecessary inland wetland impacts as part of the development of its site and to provide the necessary infrastructure to support its development going forward. We would ask the Commission to review the Sawmill Estates Project plans with great care and attention paid to proposed utility and road infrastructure along Lawler Lane and evaluate how conflicts with the approved Byron Brook Resort plans may adversely impact adjacent inland wetland resources. We would submit that the Byron Brook Resort infrastructure plans should serve as a model to the applicant and should be adopted and reflected in their submission to the Commission.

Thank you for your attention o this matter. Please do not hesitate to contact us if you have any questions.

Very truly yours,



Glenn T. Carberry, Esq.



William R. Sweeney, AICP

Enclosure

cc: Joseph Manzi, Byron Brook Country Club, LLC



MEMORANDUM

TO: Bill Sweeney, TCORS

FROM: Frederick D. Mock, P.E.
Regional Vice President – Site/Civil

DATE: September 23, 2008

SUBJECT: Review of 55+ Housing Project, Norwich, CT

PROJECT NO.: 16545.00

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

The purpose of this memo is to transmit findings of our review of plan materials and applications related to the Sawmill Estates project in Norwich, CT off Scotland Road. We have reviewed plans prepared by others and offer the following comments:

1. The utilities are likely undersized to service the broader service area and we assume that the City would not want to have a "private" forcemain (sewer) in their ROW that doesn't service existing and future wastewater needs. For example, this should be a gravity sewer system sized properly for the development and for existing homes along the sewer route plus future growth in the area.
2. The proposed utilities cross the bridge along Lawler Lane which requires careful consideration by the DOT. Why place a 4 inch forcemain along the bridge that services only the development given a broader municipal perspective of sewer service?
3. We see no Upland Review Areas along Lawler Lane being considered as we know that there are wetlands close to the road.
4. The plan did not consider the Byron Brook Country Club, LLC plan approved by the City which required an improvement to Lawler Lane (geometrics).
5. The project density (150 units or so) would result in a traffic volume of approximately 1,500 vehicle trips per day - with that increase, why wouldn't this project require improvements to Lawler Lane as did Byron Brook Country Club, LLC. This potential would result in additional impacts to the Upland Review Areas as well as wetlands (culvert crossing upgrades) along Lawler Lane.
6. We have a "belief" (not able to confirm without additional information) that gravity sewers might be difficult or possibly impossible to construct and connect via a Lawler Lane/I 395 crossing because gravity sewers would have to be deep enough to cross beneath the culverts along Lawler Lane (which the P&Z and the IWWC approved upgrades for as a result of Byron Brook Country Club, LLC project) and this depth would make the bridge crossing adverse. Also, this increased depth (including an additional depth of about 0.5 ft/100 feet of roadway length) depth might make connection to existing sewers near the school (the closest connection point) impossible without extensive other improvements to the sewer system in that area. This is a key issue as it relates to possible additional Upland Review Area impacts and potential direct/indirect wetland impacts associated with construction of gravity sewers.

7. There may be additional Upland Review Area impacts associated with construction of utilities south of the I 395 bridge crossing that we have not reviewed.
8. We see no wetlands or Upland Review Areas identified along Lawler Lane north of the bridge crossing which, based upon previous permitting and design experience in this area, we know that there are impacts not being considered.

We look forward to your review of the above comments and to respond to any additional questions that you may have.

MORIARTY, PAETZOLD & SHERWOOD
ATTORNEYS AT LAW
2230 MAIN STREET • P.O. Box 1420
GLASTONBURY, CONNECTICUT 06033-6620

DAVID F. SHERWOOD
dfsherwood@gmail.com

TELEPHONE: (860) 657-1010
TELECOPIER: (860) 657-1011

October 4, 2008

Members of the Continuing Legislative Committee
On State Planning and Development:

The Honorable Eric D. Coleman
The Honorable Art Feltman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Antonio Guerrero
The Honorable Jack Malone
The Honorable Richard Roy
Room 2100
Legislative Office Building
Hartford, CT 06106

Dear Senators and Representatives:

I am writing on behalf of Norwichtown Development LLC to oppose two requests to reconsider the Committee's decision on July 10, 2008 to grant our client's request for an interim change to the Locational Guide Map of the Conservation and Development Policies Plan for Connecticut, 2005-2010.

By letters dated September 18 and September 29, Representative Malone and Mayor Lathrop requested this Committee to reconsider the decision to approve a change to the Locational Map for Norwich for 40 acres of a 60 acre parcel located between Hansen and Scolland Roads from Rural to Neighborhood Conservation to allow public sewers and water to serve the site.

In reliance on the Committee's July 10, 2008 decision, our client has spent more than \$150,000 on engineering, traffic studies, site plans and application fees to bring the application forward through the Norwich land use process. An application for an inland wetlands permit has been filed, and the public hearing on the application was commenced on October 2, 2008.

Members of the Continuing Legislative Committee
on State Planning and Development
October 4, 2008
Page 2

Our clients have followed to the letter every procedure set forth in the statutes to revise the map. The City of Norwich was given the opportunity to have a public hearing on the Map change and formally waived that right. The Committee approved the request after much discussion and careful deliberation. The Office of Policy and Management has published a notice in the Connecticut Law Tribune as required, and has physically changed the Locational Map. The decision of the Committee is final and unappealable under the statutes.

It appears that, based on media reports and the text of the both Representative Malone's letter and Mayor Lathrop's letter, the impetus behind both requests is neighborhood opposition to the project itself and criticisms of these government officials for their handling or lack of handling of this matter. Despite being sent repeated notices, Representative Malone took no part in the Committee's deliberations, although the property in question is in his district, and the Mayor waived a public hearing available to the City based on very logical and appropriate advice from the City's Director of Planning & Neighborhood Services, as summarized in the memorandum attached to the Mayor's letter.

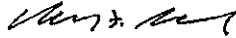
While it is certainly understandable that, during this election season, these elected officials are responding to the ire of constituents, this Committee should not re-consider its decision, unless it is willing to have the State assume the expenses our client has made in reliance on the July 10, 2008 decision. Our clients will avail themselves of all legal means of redress if the Committee wrongfully changes its decision in response to public pressure that has nothing to do with sewers and public water, and everything to do with local politics involving the active adult housing.

If the Committee re-considers its decision after our clients have invested huge sums in the local permitting process, it will undermine the entire legislative and regulatory scheme for Interim Changes. If re-consideration is allowed, when will an applicant ever know that the Committee's decision and OPM action are final?

Members of the Continuing Legislative Committee
on State Planning and Development
October 4, 2008
Page 3

If the Committee does intend to schedule this matter for a meeting, please advise the undersigned at once, as our client intends to be present and would like to address the Committee.

Very truly yours,



David F. Sherwood

cc: Norwichtown Development LLC
The Honorable Edith Prague
The Honorable Benjamin P. Lathrop
W. David LeVasseur, Under Secretary, Office of Policy and Management
William R. Hogan, Department of Environmental Protection
Allen Bergren, City Manager
Peter Davis, Director of Planning & Neighborhood Services
James S. Butler, Executive Director, Southeastern Connecticut Council of Governments

State of Connecticut

GENERAL ASSEMBLY



PLANNING AND
DEVELOPMENT COMMITTEE
ROOM 2100
LEGISLATIVE OFFICE BUILDING
HARTFORD, CONNECTICUT 06106-1591
(860) 240-0550

October 7, 2008

W. David LeVasseur, Undersecretary
Intergovernmental Policy Division
Office of Policy and Management
450 Capitol Avenue, -MS# 54SLP
Hartford, Connecticut 06106-1379

Dear Undersecretary LeVasseur:

The Continuing Legislative Committee on State Planning and Development is in receipt of letters dated September 19, 2008 and September 29, 2008 from State Representative Jack Malone and Norwich Mayor Benjamin P. Lathrop, respectively. The committee is also in possession of a resolution passed unanimously by the Council of the City of Norwich on October 6, 2008. For your review, these materials are enclosed.

Today, in response to these developments, the committee voted unanimously to formally inform the Office of Policy and Management (OPM) and the Department of Environmental Protection (DEP) that, in accordance with the committee's authority under Section 16a-32 of the Connecticut General Statutes, the committee intends to grant OPM permission to process such application as may be forthcoming from the City of Norwich at such time as OPM has such application in its possession and requests such permission.

We hope the application will be processed as expeditiously as possible. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric D. Coleman".

Eric D. Coleman
State Senator
2nd District

A handwritten signature in black ink, appearing to read "Art Feltman".

Art Feltman
State Representative
6th District

Enclosures

Cc: Tyler J. Kleykamp, Lead Planning Analyst, Intergovernmental Policy Division, OPM
Commissioner Gina McCarthy, DEP



State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE JACK MALONE
FORTY-SEVENTH ASSEMBLY DISTRICT

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E-MAIL: Jack.Malone@cga.ct.gov

CHAIRMAN
APPROPRIATION SUBCOMMITTEE ON HEALTH &
HOSPITALS

MEMBER
APPROPRIATION COMMITTEE
PUBLIC HEALTH COMMITTEE

September 19, 2008

State Senator Eric Coleman
State Representative Art Feltman
Chairmen
Continuing Legislative Committee on Planning and Economic Development
Legislative Office Building
Hartford, CT 06106-1591

Dear Chairmen Coleman and Feltman:

The matter of a vote taken on July 10, 2008 remains of particular concern to me. On that date the Continuing Legislative Committee on Planning and Economic Development voted by a 3-2 margin to approve the application of Messrs. Abele and Donner of Norwich to override the recommendation of the State Plan of Conservation and Development. A careful analysis of the record of the meeting will reveal there were significant questions about the position of Norwich officials on the matter. Despite that a vote was taken.

Several explanations have been uncovered this week as to why there was no representation of Norwich before your committee. Notice had been tendered by one Norwich Planning official indicating the City would not seek or would pass on the opportunity to have a public hearing on the matter. While I am quite certain I was properly noticed by the Committee Clerk, that call of the meeting apparently was lost in the several hundred emails that I receive each day.

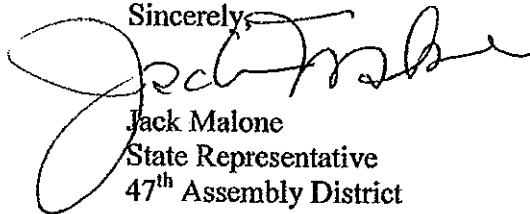
Officials in Norwich have indicated to me that not enough attention to the matter was placed on the committee's meeting because it was scheduled in the middle of the vacation season.

In hindsight, it was a serious matter that deserved a great deal of thought and consideration. It is not a matter that should have been taken lightly because it does alter the carefully crafted State Plan of Conservation and Development. Most importantly, the vote has serious ramifications for rural Norwich and deserved to be properly vetted before the citizens of our community.

Therefore, I would respectfully request that when our committee next convenes you allow a motion to be made and rule favorably on having this vote reconsidered. I have carefully examined the statutes and rules governing our committee and learned that such a motion would be properly before the committee—it would be the Chairmen's prerogative to rule favorably on reconsideration.

I am quite certain that members of the committee would, if properly and fully informed, vote wisely on the matter. I thank you for your time and attention to this request and the positive response I trust it will bring.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jack Malone", written over the printed name and title.

Jack Malone
State Representative
47th Assembly District



CITY
OF
NORWICH

Mayor Benjamin P. Lathrop

September 29, 2008

State Senator Eric Coleman
State Representative Art Feltman
Chairmen Continuing Legislative Committee on Planning and Economic Development
Legislative Office Building
Hartford, CT 06106-1591

Dear Chairmen Coleman and Feltman;

The matter of a vote taken on July 10, 2008 remains of particular concern to officials in the City of Norwich as well as its residents. On that date the Continuing Legislative Committee on Planning and Economic Development voted by a 3-2 margin to approve the application of Messrs. Abele and Donner of Norwich to override the negative recommendation of the State Office of Policy Management received by the City on June 13, 2008. A careful analysis of the record of the meeting will reveal there were significant questions about the position of Norwich Officials on the matter. Despite that, a vote was taken. In hindsight, we would have preferred that the Committee had tabled the matter and asked City officials to attend a rescheduled meeting to address your concerns.

Notice had been tendered by Norwich Officials on June 2, 2008 indicating the City would not seek nor would pass on the opportunity to have a public hearing on the matter. This decision was based upon a planning review by staff. In part, documents supporting the decision to waive the opportunity for a joint public hearing to be held locally were the 2003 City of Norwich Plan of Conservation and Development, Norwich Department of Public Utilities infrastructure plans and City of Norwich Zoning Regulations.

A more comprehensive document citing items reviewed, relative to the waiver of the local hearing, is attached for your review. One must keep in mind that the subject of the request at the time of staff review was the potential extension of public infrastructure, not a specific project. In light of these factors, we believe staff's findings were appropriate.

Within the past week, the subject at hand has taken on additional significance, due in no small part to the neighborhood reaction to the proposed active adult community project. In light of the recent level of local concern, I am requesting on behalf of the City that when your committee next convenes you allow a motion to be made and rule favorably on having this vote reconsidered. I look forward to your response and appreciate your consideration in the important matter.

Sincerely,

Benjamin P. Lathrop, Mayor
Enclosure(s)

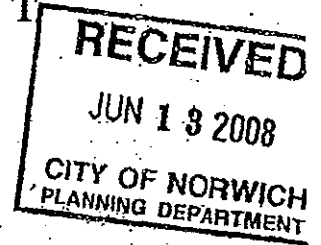
100 Broadway, Norwich, Connecticut
Telephone (860) 823-3742 Fax (860) 885-2914
E-Mail mayorsoffice@cityofnorwich.org



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT
INTERGOVERNMENTAL POLICY DIVISION

June 9, 2008



Members of the Continuing Legislative Committee on
State Planning and Development:

The Honorable Eric D. Coleman
The Honorable Art Feltman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Antonio (Tony) Guerrera
The Honorable Jack Malone
The Honorable Richard Roy

Dear Senators and Representatives:

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Section 16a-32-5 of the Regulations of Connecticut State Agencies, the Office of Policy and Management (OPM) hereby submits its Findings and Recommendations on the Norwichtown Development, LLC application for an interim change to the *Conservation and Development Policies Plan for Connecticut, 2005-2010 (C&D Plan)*.

Under State statutes, the Continuing Committee has thirty (30) days from receipt of OPM's recommendation to act on the proposed interim change application. My staff and I are available to meet with you at your convenience during this period, if you should have any questions.

Sincerely,

W. David LeVasseur, Undersecretary
Intergovernmental Policy Division

Cc: Senator Edith Prague, 19th Senate District
Bill Hogan, DEP
Peter Davis, Director of Planning & Neighborhood Services
Alan Bergren, City Manager
Benjamin P. Lathrop, Mayor
Gregory A. Sharp, Murtha Cullina LLP
James Butler, Southeastern Connecticut Council of Governments

Findings and Recommendations

Norwichtown Development, LLC.

Request for an Interim Change to the Locational Guide Map Conservation and Development Policies Plan for Connecticut, 2005-2010

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Sections 16a-32-1-6 of the Regulations of Connecticut State Agencies, Norwichtown Development, LLC requests an interim change to the Locational Guide Map of the State's Conservation and Development Policies Plan (C&D Plan).

Norwichtown Development LLC., requests that the C&D Plan designation for a 59.9-acre parcel bounded by Scotland Road on the East, and Hansen Road to the West, be changed from "Rural" to "Neighborhood Conservation" (see attached maps). In accordance with state regulations, the City of Norwich was afforded the opportunity to request a joint public hearing with OPM and the Continuing Committee regarding this application. The City opted to waive its right to a public hearing.

Background

The request is a result of Norwichtown Development's desire to develop an "Active Adult Community" on the subject property. The easterly third of the property, adjacent to Scotland Road is subject to a recorded conservation easement and is not part of the requested change in designation. The current zoning designation is R-80, which according to the City's zoning regulations requires an 80,000 square foot minimum lot size (approximately 1.8 acres) or 0.5 units per acre. The applicant has indicated that under Special Regulations the property would be eligible for development of a greater density if its use were restricted to an "Active Adult Community." The Density Standards for an Active Adult Community would allow up to 8 units per acre.

The applicant asserts that in order to facilitate this development it is necessary to extend public water and sewer to this parcel. The current Rural Lands designation would prohibit the use of state funds supporting the introduction of such infrastructure to this area. Thus, the applicant is requesting a change to a Neighborhood Conservation designation whereby the extension of infrastructure would be consistent with the C&D plan.

Recommendation

OPM recommends that the Continuing Committee not approve Norwichtown Development's request to change the site's C&D designation from "Rural" to "Neighborhood Conservation." In order to provide this site with access to public water and sewer, it would require the extension of public water and sewer approximately 5,000 feet. Nearly 2,500 feet of this would go through areas designated as Rural and Conservation areas, which are not addressed in this application, before reaching the subject property. OPM's concern is that such an extension would facilitate further intensive development in these areas that are not subject to a change under this

application. In doing so, the potential exists for further requests for changes to the C&D Plan's Locational Guidemap requiring the action of OPM and the Continuing Committee.

In addition to potential impacts on other areas, OPM questions the necessity for the change at this time. The applicant indicates that the City's zoning regulations require that Active Adult Communities be connected to public water and sewer. However, Section 7.6.4(h) of the Norwich zoning ordinance states:

"Sanitary Requirements. All such buildings shall be connected to public water and sanitary sewerage systems, or private sewerage systems which meet the requirements of local and state department of health."

OPM is not aware if the applicant has investigated the potential of on-site alternatives for water and sewer in this area such as a community septic system or alternative treatment technologies. The use of such technologies, when constructed properly, can provide for the type of development density the applicant seeks. Such alternatives could negate the need to extend public utilities to the subject parcel, yet still accommodate cluster type or "Conservation Development" techniques that are supported in the C&D Plan for Rural Lands.

The City of Norwich has waived its right to a public hearing with regard to this application. As a result, OPM must make this recommendation based solely on the information presented by the applicant. OPM is not aware of any previous approvals issued at the local level, including a willingness or capacity to service this area with public water and sewer. Further OPM is not aware of any measures that may be in place to limit development densities that may be achieved in the additional areas not subject to this application, through the introduction of this infrastructure. Similarly, OPM is not aware of any provisions for open space preservation or "Conservation Development" techniques that may be planned on site. The City's plan of conservation development does encourage development of elderly housing yet also encourages the maintenance of low-density development within this particular area (known as the "Plain Hill" area). Additionally, the plan suggests that subdivision design should be done in accordance with the natural carrying capacity of the land, which is consistent with the current designation of Rural Lands.

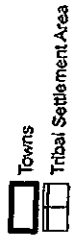
In light of these issues, OPM recommends that this area remain designated as Rural Lands. There are significant areas in Norwich designated for growth where the use of state funding for infrastructure and development of this nature would be more appropriate. Neighborhood Conservation areas are typically already developed, dense residential areas with existing infrastructure. Generally, state policy for these areas is to promote infill development where the infrastructure to support it exists. Considering the low-density zoning of the area, OPM believes a change from Rural to Neighborhood Conservation would not be appropriate for this area.

Development, LLC Proposed Interim Change

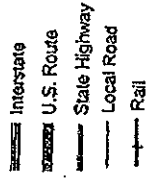


Conservation and Development
Policies Plan for Connecticut
2005-2010
Locational Guide Map

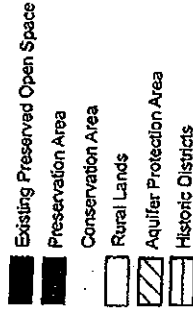
Legend



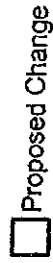
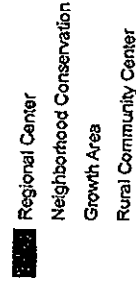
Streets



Conservation Policies



Development Policies



June, 2008



For general planning purposes only



CITY OF NORWICH
Department of Planning & Development
23 Union St.
Norwich, CT 06360
(860) 823-3766

Peter W. Davis
Director

Michael Schaefer
City Planner

September 22, 2008

TO: Alan Bergren
City Manager

From: Peter W. Davis 
Director Planning & Development

Subject: Waiver of Public Hearing; Norwichtown Development, LLC

Relative to my decision to notify the State of Connecticut that the City would be waiving our right to a local hearing, I offer the following:

- The request for a determination on the necessity of conducting a local hearing on the matter of the developer's request to modify the State's Conservation & Development Policies Plan was referred to me for review and comment by the Mayor and City Manager's offices. I also received a copy of the same State documents addressed to the Chair of the Commission on the City Plan.
 - In part, my job description requires that I review and comment on planning & zoning matters to various City agencies.
-
- The proposed change to the State C & D Plan would permit the developer to submit an application to the City for consideration of a proposed Active Adult Community, which would in part include the extension of utility infrastructure (water & sewer) to the proposed site.
 - Planning and NDPU staff had been working with the developer on the matter of modifying the State C & D Plan.
 - Our City of Norwich Zoning Ordinance allows for the proposed level of development in accordance with the regulations for an Active Adult Community, unanimously adopted by the City Council in early 2007.
 - Our zoning ordinance requires that Active Adult Community be served by municipal water & sewer, or a community system. The applicant chose to design the project to be served by municipal water and sewer instead of an on-site community system. Accordingly, the need for the request to modify the State C & D Plan.

- Our zoning ordinance requires that any application for a proposed Active Adult Community be subject to a public hearing conducted by the Commission on the City Plan. There are extensive public notification requirements as part of the special permit application process. In fact, the public notice requirements for Active Adult Community applications exceed any other public notice requirements in our current zoning ordinance.
- I thought that it would not be prudent to place the issue of the proposed change to the State C & D Plan in front of the Commission on the City Plan in order that the City avoid the appearance that there was a pre-determined opinion of the Active Adult Community proposal before the public hearing date was set. There is also the threat of ex parte communication occurring under such circumstances.
- The Commission on the City Plan, with a large amount of public and City support, recently approved a development within the same neighborhood that consists of 600 residential units, a golf course resort, including a large community facility and a significant road extension that opens up approximately 70 acres of commercial land for development. This project also included major infrastructure upgrades from Rte 97 to Canterbury Turnpike and Lawler Lane at the developer's cost, in order to serve the project. During these hearings, there was no negative comment entered into the public record relative to the proposed infrastructure improvements. In fact, the improvements were embraced by every level of City government.
- Extension of water & sewer utility infrastructure to the rural areas of the City is a stated goal of The 2003 Plan of Conservation and Development. The 2003 Plan update was unanimously adopted by the City Council in 2003.
- For approximately four years, City staff and administrators have been working together with Norwich Public Utilities and the Fire Service to develop a plan for the extension of public water infrastructure into areas of the City that are under-served. The primary driver of this effort has been the development of multi-family housing in such areas. I considered this an opportunity to further extend municipal infrastructure, at the developer's cost, to an under-served area that is experiencing increased development pressure.
- Relative to the proposed housing density level, there are public health and resource protection values associated with the extension of public water and sewer service to areas such as the proposed development site.
- After objectively reviewing these factors, I drafted letters for the Mayor and Chairman of the Commission on the City Plan to waive our right to a local public hearing. After a brief discussion with the Mayor and the Chair of the CCP, they deferred to my advice on the matter. I also submitted a similar letter to the State under my signature.

Based upon the circumstances and the facts available to me at the time, I feel that I responded appropriately to the State's request.

THIS IS TO CERTIFY that the following is a true and attested copy of a resolution adopted by the Council of the City of Norwich at a meeting held on October 6, 2008, and that the same has not been amended or rescinded:

Resolution relative to authorizing and directing the City Manager to apply to the State of Connecticut Continuing Legislative Committee on State Planning and Development to change the designation of property in Norwich that was part of an interim change to the Conservation and Development Plan for Connecticut voted on July 10, 2008 back to its original designation

WHEREAS, the State of Connecticut Continuing Legislative Committee on State Planning and Development recently voted by a 3-2 margin, on July 10, 2008 to override a negative recommendation of the state's Office of Policy and Management and approve an application for an interim change in the Conservation and Development Policies Plan for Connecticut in the City of Norwich; and

WHEREAS, the opportunity to request a public hearing on the matter was not discussed by the Council of the City of Norwich; and

WHEREAS, The Council of the City of Norwich is interested in affording opportunity for the public to be heard on any change in the Conservation and Development Policies Plan for Connecticut in the City of Norwich; and

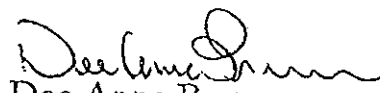
WHEREAS, This Council is not in favor of the action taken by the committee, approving the interim change, in opposition to the recommendation of the Office of Policy and Management; and

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Norwich hereby orders and directs City Manager Alan H. Bergren to make application to The State of Connecticut Continuing Legislative Committee on State Planning and Development to change the designation of property changed to the Neighborhood Conservation designation at the July 10, 2008 meeting back to the Rural Lands designation in effect prior to the July 10, 2008 meeting.

THEREFORE BE IT ALSO RESOLVED, that the matter be referred to the Commission on the City Plan for a recommendation to be included in the application.

Dated at Norwich, Connecticut this 7th day of October 2008.

ATTEST:


Dee Anne Brennan
City Clerk

DATE: October 6, 2008
TO: Mayor Benjamin P. Lathrop & Council Members
FROM: Alan H. Bergren, City Manager
SUBJECT: City Manager's Report

1. Downtown Staff Meetings

Recently the management of the Wauregan, the Police Chief, and the Mayor met in my office to discuss items of mutual concern. The Wauregan has a new property manager. Our meeting was constructive as we discussed security, communications, and topics to enhance the area.

Also our Downtown Enhancement group will be meeting tomorrow October 7th. In light of recent discussions I have invited the new property manager of the Wauregan to join us. If individual members of the Council would like to stop by we are getting together at the YMCA in the Director's office at 9:00 AM.

With respect to the recent shooting incident on Broadway our police department acted promptly and vigorously. On Saturday a suspect in the case was arrested and he is in custody. Additional arrests are expected. (A new release is attached.) Our community will not tolerate illegal activities in our downtown and our police force is acting swiftly, and with determination, to blanket the area with surveillance and enforcement to root out criminal activities. The Chief has directed additional resources within the department as needed for the downtown. The Chief and I continually discuss the strategies and initiatives the Police department is taking on a regular basis. The visibility of law enforcement in the downtown this summer was evident to our many stakeholders there, and the summer was quiet. At this time, through prudent management of resources, additional funding is not being requested. However, as we continue to move forward the Chief will advise the Council and myself of any needed resources.

The effort on behalf of the Council, with the enhancement group, to engage the stakeholders in the downtown will continue.

2. Continuing Legislative Committee on State Planning and Development

I have attached a memo from the Director of Planning and Development pertaining to the wavier of a public hearing with respect to Norwichtown Development, LLC.

A copy of the notice to request a public hearing was submitted to the Council in the council packets. Based upon previous action taken by the past City Council to amend the Zoning Ordinance to allow for Active Adult Communities and the extension of public utilities to support these developments, and the Commission on the City Plan's adopted Plan of Conservation and Development supporting same, it was existing City policy to support the extension of public utilities to rural areas. The Planning and Development Director was acting in response to existing city policy.

In retrospect a copy of the letter regarding a wavier of the state public hearing should be furnished to the Council. Also the state notice that was furnished to the Council should be flagged, as an item the Council, as Zoning Authority, may want to consider for action.

The Planning Director and I have discussed steps we will take to elevate notices of this nature to the attention of the Council, considering the numerous materials that are distributed to you on a weekly basis.

3. Freedom of Information Workshop

I am taking this opportunity to thank the Council and members of boards and commissions for your participation in the Freedom of Information workshop held on Monday, September 29th. For those who could not attend due to scheduling conflicts, staff is working to hold a second session in November or early December.

Upon motion of Ald. Zarnetske, seconded by Ald. Nash, it was unanimously voted to accept the following report from the Commission on the City Plan:

CITY OF NORWICH

Commission on the City Plan

23 Union Street, Norwich, CT 06360

Telephone: (860) 823-3766, Fax: (860) 823-3715

E-mail: norplan@cityofnorwich.org

Ralph Page, Chairman

Jeremy Booty, Vice-Chairman

September 18, 2008

TO: THE HONORABLE MAYOR AND ALDERPERSONS OF THE COUNCIL OF THE CITY OF NORWICH

AN ORDINANCE AMENDING SECTIONS 3.14 AND 1.47 AND 15.1.3 OF THE NORWICH ZONING ORDINANCE WITH RESPECT TO HOME OCCUPATIONS AND PROFESSIONAL OFFICES AND WORKSPACES

At the meeting of the Council of the City of Norwich (Council) held on **September 2, 2008**, the ordinance described above was introduced and referred to the Commission on the City Plan (Commission) for a report pursuant to Chapter XV, Section 4 of the City Charter.

The Commission on the City Plan, at its **September 16, 2008** regular meeting reviewed the above-referenced referral.

Seated were Chairman Ralph Page, Vice Chair Jeremy Booty, Frank Manfredi, Les King, and John Mathieu

After careful consideration, the Commission voted unanimously to forward a **FAVORABLE** recommendation to the Council, as the proposed text amendment is supportive of creating additional business opportunities within the City, consistent with the Plan of Conservation and Development.

Respectfully submitted,
Ralph Page, Chairman

WHEREAS, the Council of the City of Norwich may require a further environmental assessment of said property

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Norwich that City Manager Alan H. Bergren be and hereby is authorized and directed to arrange the issuance of a Request for Proposals/Request for Qualifications soliciting firms interested in performing an environment assessment of said property for the City of Norwich; said Requests for Proposals/Requests for Qualifications to require a review and analysis of the environmental studies of the property done to date; recommendations as to what additional studies and testing as will be necessary to comply with the requirements of the State of Connecticut for disposition of the property pursuant to the purchase and sale agreement and recommendations of any additional testing or studies thought advisable; a proposed price for this work and an estimate of the cost of such further testing, preferably calculated for individual tests and borings; together with such other terms and conditions for such Request for Proposals/Request for Qualifications as the City Manger deems appropriate.

Ald. Nash made a motion, seconded by Ald. Coutu, for adoption of the following resolution introduced by Aldermen Bettencourt and Jacaruso:

Resolution relative to authorizing and directing the City Manager to apply to the State of Connecticut Continuing Legislative Committee on State Planning and Development to change the designation of property in Norwich that was part of an interim change to the Conservation and Development Plan for Connecticut voted on June 10, 2008 back to its original designation

WHEREAS, the State of Connecticut Continuing Legislative Committee on State Planning and Development recently voted by a 3-2 margin, on June 10, 2008 to override a negative recommendation of the state's Office of Policy and Management and approve an application for an interim change in the Conservation and Development Policies Plan for Connecticut in the City of Norwich; and

WHEREAS, the opportunity to request a public hearing on the matter was not discussed by the Council of the City of Norwich; and

WHEREAS, The Council of the City of Norwich is interested in affording opportunity for the public to be heard on any change in the Conservation and Development Policies Plan for Connecticut in the City of Norwich; and

WHEREAS, This Council is not in favor of the action taken by the committee, approving the interim change, in opposition to the recommendation of the Office of Policy and Management; and

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Norwich hereby orders and directs City Manager Alan H. Bergren to make application to The State of Connecticut Continuing Legislative Committee on State Planning and Development to change the designation of property changed to the Neighborhood Conservation designation at the June 10, 2008 meeting back to the Rural Lands designation in effect prior to the June 10, 2008 meeting.

THEREFORE BE IT ALSO RESOLVED, that the matter be referred to the Commission on the City Plan for a recommendation to be included in the application.

Upon motion of Ald. Bettencourt, seconded by Ald. Zarnetske, it was unanimously voted to amend the resolution by changing the date from June 10, 2008 to **July** 10, 2008.

The motion to adopt the resolution, as amended, was then unanimously voted upon.

Upon motion of Ald. Jacaruso, seconded by Ald. Coutu, it was unanimously voted to recess from 10:25 PM to 10:35 PM.

Upon motion of Ald. Bettencourt, seconded by Ald. Nash, it was unanimously voted to adopt the following resolution introduced by City Manager Alan H. Bergren:

WHEREAS, the Department of Emergency Management and Homeland Security – in coordination and cooperation with the municipalities located within DEMHS Region 4, including the City of Norwich has created, and established bylaws for, the Region 4 Regional Emergency Planning Team (REPT), a multi-disciplinary, multi-jurisdictional regional group to facilitate planning and resource coordination with the DEMHS Region 4; and

WHEREAS, the City of Norwich is eligible to participate in those Federal Fiscal Year 2007 State Homeland Security Grant Program regional allocations made through the Region 4 REPT and not included in the set-aside projects, in the amount of \$1,082,326 for Region 4, which will be made available to the jurisdictions in Region 4 in the manner recommended by the Region 4 REPT in accordance with its approved bylaws, upon execution of the grant application and as accepted by the State Administrative Agency; and

WHEREAS, the State of Connecticut's DEMHS is retaining pass through funds, \$10,400,000, provided through the 2007 PSIC grant in accordance with the Statewide Communications Interoperability Plan (SCIP); and

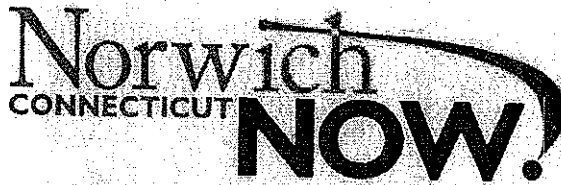
WHEREAS, DEMHS agrees to serve as administrative agent for the 2007 PSIC Grant pass through funds;

NOW THEREFORE, the State Administrative Agency and the City of Norwich enter into this Memorandum of Agreement authorizing the SAA to act as the agent of the City of Norwich and allowing the SAA to retain and administer grant funds provided under Grant Number 2007-GE-T7-0025 for the four regional set-aside projects and Grant number 2007-GS-H7-0033 for the PSIC grant Program projects.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that City Manager Alan H. Bergren, be and hereby is, authorized and directed to execute and deliver on behalf of the City of Norwich, this Memorandum of Agreement, attached hereto as Exhibit A, authorizing the SAA to act as the agent of the City of Norwich and allowing the SAA to retain and administer grant funds provided under Grant Number 2007-GE-T7-0025 for the four regional set-aside projects and Grant number 2007-GS-H7-0033 for the PSIC grant Program projects.

Ald. Zarnetske made a motion, seconded by Ald. Desaulniers, for adoption of the following resolution introduced by Ald. Zarnetske:

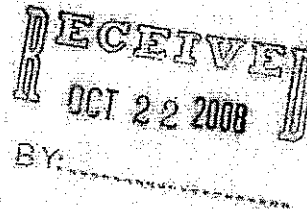
T



Alan H. Bergren

City Manager

The Honorable Robert L. Genuario
Secretary, Office of Policy & Management
State of Connecticut
Office of the Secretary
450 Capitol Avenue
Hartford, CT 06106-1379



October 22, 2008

Dear Mr. Genuario,

As the Chief Executive Officer of the City of Norwich as directed by the Norwich City Council, I am requesting consideration for an interim change to the State Plan for Conservation and Development in accordance with Section 16a-32(b) of the Connecticut General Statutes.

On July 10, 2008 a 3-2 vote of the Continuing Legislative Committee on Planning and Economic Development granted approval for an interim change to the State Plan for Conservation and Development for a 59.9 acre parcel of land located in the area of Scotland and Hansen Roads. This action amended the designation of the parcel from "Rural" to "Neighborhood Conservation". The change in designation was requested by the developer, Norwichtown Development, LLC, in order that they are able to propose the extension of water and sewer infrastructure to the property.

The City respectfully requests that the Continuing Legislative Committee on Planning and Development accept the City's application and supporting documents (attached) in order that the matter be reconsidered and the change in designation be returned to "Rural". Included in the attached material (application) is the recommendation of O.P.M. that the subject area remain designated as "Rural". As stated in Mayor Lathrop's letter of September 29, 2008 to Senator Eric Coleman and Representative Art Feldman, as more information regarding the subject development application became available, actions associated with the recent interim change have raised concerns within the community.

100 Broadway, Norwich, CT 06360
Phone: (860) 823-3750 Fax: (860) 885-2131
E-Mail: abergren@cityofnorwich.org
www.norwichct.org

We appreciate your consideration and look forward to a response from the Continuing Legislative Committee.

Sincerely,



Alan H. Bergren
City Manager

Attach.

cc: Norwichtown Development LLC
The Honorable W. David LeVasseur
The Honorable Edith Prague
The Honorable Melissa Olson
The Honorable Benjamin P. Lathrop
Norwich City Council Members
William R. Hogan, Department of Environmental Protection
Peter Davis, Director of Planning & Neighborhood Services
James S. Butler, Executive Director, Southeastern CT Council of Governments
Members of the Continuing Legislative Committee on State Planning & Development:
The Honorable Eric D. Coleman
The Honorable Art Feldman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Antonio Guerrero
The Honorable Jack Malone
The Honorable Richard Roy

INTRODUCTION

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Sections 16a-32-1-6 of the Regulations of Connecticut State Agencies, the City of Norwich requests an interim change to the Locational Guide Map of the State's Conservation and Development Policies Plan (C&D Plan).

Further, in accordance with Section 16a-32(b) of the Connecticut General Statutes the City hereby submits as part of the subject application a copy of our 2003 Updated Plan of Conservation and Development (Exhibit A) in compliance with Section 8-23 of the Connecticut General Statutes, as well as a copy of the October 6, 2008 Council of the City of Norwich resolution (Exhibit B) directing City Manager Alan Bergren to submit the subject request for an interim change.

PROPERTY DESCRIPTION

The subject property is an approximately 59.9 acre parcel of land located in the northerly section of the City of Norwich and is bounded by Scotland Road to the west and Hansen Road to the east. Most recently, the property has been vacant but in part was once used as a commercial sawmill, single family residential home and associated accessory structures. The property had also been proposed to be developed as a single family residential subdivision.

A copy of the required USGS Map (Exhibit C) identifying the property as letter "A" and State of Connecticut Locational Guide Map (Exhibit D), dated June 2008 have been provided. To the best of our ability, we have amended the June 2008 Locational Guide Map to represent the current land use designation of "Neighborhood Conservation". At the time of our preparing this application, the revised map (post July 10, 2008) was not available to us.

ZONING

The zoning designation of the subject parcel is Residential 80 (R-80), which requires a minimum lot area of two (2) acres. Zoning of this general area was changed from minimum one (1) acre zoning Residential 40 (R-40) to R-80 as part of the City's 2004 Comprehensive Plan update.

The R-80 zoning designation, Section 8.1 permits "as-of-right" the following:

- Single family dwellings
- Customary home occupations
- Farming for commercial purposes on parcels exceeding 5 acres
- Public utility lines, stations and buildings

The R-80 zoning designation allows for the following by special permit:

- Nonprofit or government uses
- Cemeteries
- Convalescent or nursing homes
- Hospitals and sanitariums
- Public or private educational institutions
- Commercial open space recreation uses on parcels exceeding 10 acres
- Kennels on parcels exceeding 5 acres
- Government facilities
- Family day care homes
- Public utility facilities

It should be noted however, that in accordance with the current City of Norwich Zoning Ordinance, Section 7.6, the subject parcel could also be developed as an Active Adult Community (AAC). Or as it is more commonly known, age restricted housing. The AAC designation is considered to be a floating zone and could result in densities as high as eight (8) units per acre. Every proposed AAC is subject to a special permit review/public hearing by the Commission on the City Plan.

REASON FOR REQUEST

The City Council of the City of Norwich is not in favor of the July 10, 2008 action taken by the State of Connecticut Legislative Committee on State Planning and Development to change the designation of the property, that was subject to an interim change to the State Plan for Conservation and Development, from "Rural" to "Neighborhood Conservation".

A change in designation from "Rural" to "Neighborhood Conservation" would permit the extension of water and sewer infrastructure to the subject area. The prior "Rural" designation would not permit the extension of such services. With the availability of water and sewer infrastructure, the potential density of residential units would increase dramatically. The current Residential-80 zoning designation allows for one unit per two acres. If water and sewer utilities were available to the area and a property owner received approval for an Active Adult Community, densities could increase as high as eight units per acre.

Also, upon a review of the record of the subject meeting of the Committee on State Planning and Development, members of the City Council became aware that the decision to approve the interim change was granted by a 3-2 vote. Overriding the negative recommendation of the state's Office of Policy and Management (Exhibit E). The record also provides evidence that there were certain members of the Legislative Committee who had significant questions and concerns about the City's position on the request. Without a representative of the City present, these questions went unanswered.

Mayor Benjamin P. Lathrop forwarded correspondence dated September 29, 2008 (Exhibit F) to Senator Eric Coleman and State Representative Art Feldman, Chairmen of the State Continuing Legislative Committee on Planning & Economic Development, in

part describing the City's position on the matter of the Committee's July 10, 2008 decision.

In compliance with Connecticut General Statutes Section 16a-32-2 (f), the City of Norwich Commission on the City Plan has reviewed the subject application and issued an advisory opinion supporting the application. As the planning agency for the City, the Commission was unanimous in its support of the City Council to change the current designation from Neighborhood Conservation to Rural Lands in order to protect the rural character of the area. (Exhibit G)

While the City Council had received correspondence dated May 27th, 2008 from the State of Connecticut Office of Policy & Management, offering the opportunity for a local joint public hearing, they did not have the opportunity to discuss the matter. The City Council is very much interested in participating in and revisiting the matter of a joint public hearing on the subject and affording the public a renewed opportunity to be heard on the issues.

We hope that you will look favorably upon our application. If you require any additional information, please contact City Manager Alan Bergren @ (860) 823-3751 or e-mail @ abergren@cityofnorwich.org.

EXHIBITS LIST

<i>Exhibit A</i>	<i>City of Norwich 2003 Plan of Conservation & Development</i>
<i>Exhibit B</i>	<i>October 6, 2008 Norwich City Council Resolution</i>
<i>Exhibit C</i>	<i>USGS Map</i>
<i>Exhibit D</i>	<i>State of Connecticut Locational Guide Map</i>
<i>Exhibit E</i>	<i>State Office of Policy & Management Recommendation</i>
<i>Exhibit F</i>	<i>Mayor Benjamin Lathrop's letter of September 28, 2008</i>
<i>Exhibit G</i>	<i>Commission on the City Plan Recommendation</i>

THIS IS TO CERTIFY that the following is a true and attested copy of a resolution adopted by the Council of the City of Norwich at a meeting held on October 6, 2008, and that the same has not been amended or rescinded:

Resolution relative to authorizing and directing the City Manager to apply to the State of Connecticut Continuing Legislative Committee on State Planning and Development to change the designation of property in Norwich that was part of an interim change to the Conservation and Development Plan for Connecticut voted on July 10, 2008 back to its original designation

WHEREAS, the State of Connecticut Continuing Legislative Committee on State Planning and Development recently voted by a 3-2 margin, on July 10, 2008 to override a negative recommendation of the state's Office of Policy and Management and approve an application for an interim change in the Conservation and Development Policies Plan for Connecticut in the City of Norwich; and

WHEREAS, the opportunity to request a public hearing on the matter was not discussed by the Council of the City of Norwich; and

WHEREAS, The Council of the City of Norwich is interested in affording opportunity for the public to be heard on any change in the Conservation and Development Policies Plan for Connecticut in the City of Norwich; and

WHEREAS, This Council is not in favor of the action taken by the committee, approving the interim change, in opposition to the recommendation of the Office of Policy and Management; and

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Norwich hereby orders and directs City Manager Alan H. Bergren to make application to The State of Connecticut Continuing Legislative Committee on State Planning and Development to change the designation of property changed to the Neighborhood Conservation designation at the July 10, 2008 meeting back to the Rural Lands designation in effect prior to the July 10, 2008 meeting.

THEREFORE BE IT ALSO RESOLVED, that the matter be referred to the Commission on the City Plan for a recommendation to be included in the application.

Dated at Norwich, Connecticut this 7th day of October 2008.

ATTEST:



Dee Anne Brennan
City Clerk

EXHIBIT C



Map and Geographic Information Center
Homer Babbidge Library
University of Connecticut
magic.lib.uconn.edu



MAGIC, Homer Babbidge Library, the University of Connecticut, and associated data providers are not held responsible for the accuracy of the data and images provided. This material is for reference purposes only.

Norwichtown Development LLC Proposed Interim Change

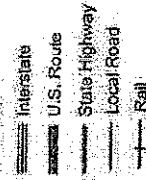


Conservation and Development
Policies Plan for Connecticut
2005-2010
Locational Guide Map

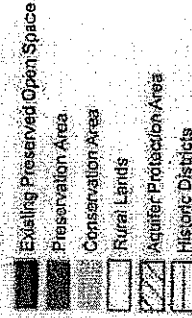
Legend



Streets



Conservation Policies



Development Policies

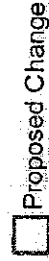
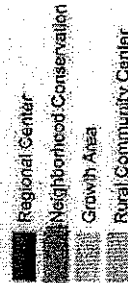


EXHIBIT D

June, 2008

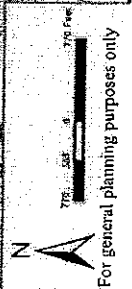
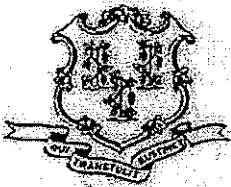


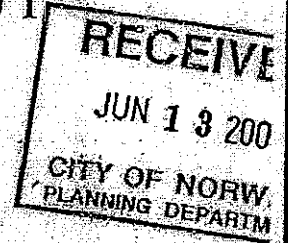
EXHIBIT E



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT
INTERGOVERNMENTAL POLICY DIVISION

June 9, 2008



Members of the Continuing Legislative Committee on
State Planning and Development:

The Honorable Eric D. Coleman
The Honorable Art Feltman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Antonio (Tony) Guerrera
The Honorable Jack Malone
The Honorable Richard Roy

Dear Senators and Representatives:

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Section 16a-32-5 of the Regulations of Connecticut State Agencies, the Office of Policy and Management (OPM) hereby submits its Findings and Recommendations on the Norwichtown Development, LLC application for an interim change to the *Conservation and Development Policies Plan for Connecticut, 2005-2010 (C&D Plan)*.

Under State statutes, the Continuing Committee has thirty (30) days from receipt of OPM's recommendation to act on the proposed interim change application. My staff and I are available to meet with you at your convenience during this period, if you should have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. David LeVasseur".

W. David LeVasseur, Undersecretary
Intergovernmental Policy Division

Cc: Senator Edith Prague, 19th Senate District
Bill Hogan, DEP
Peter Davis, Director of Planning & Neighborhood Services
Alan Bergren, City Manager
Benjamin P. Lathrop, Mayor
Gregory A. Sharp, Murtha Cullina LLP
James Butler, Southeastern Connecticut Council of Governments

Findings and Recommendations

Norwichtown Development, LLC.

Request for an Interim Change to the Locational Guide Map Conservation and Development Policies Plan for Connecticut, 2005-2010

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Sections 16a-32-1-6 of the Regulations of Connecticut State Agencies, Norwichtown Development, LLC requests an interim change to the Locational Guide Map of the State's Conservation and Development Policies Plan (C&D Plan).

Norwichtown Development LLC., requests that the C&D Plan designation for a 59.9-acre parcel bounded by Scotland Road on the East, and Hansen Road to the West, be changed from "Rural" to "Neighborhood Conservation" (see attached maps). In accordance with state regulations, the City of Norwich was afforded the opportunity to request a joint public hearing with OPM and the Continuing Committee regarding this application. The City opted to waive its right to a public hearing.

Background

The request is a result of Norwichtown Development's desire to develop an "Active Adult Community" on the subject property. The easterly third of the property, adjacent to Scotland Road is subject to a recorded conservation easement and is not part of the requested change in designation. The current zoning designation is R-80, which according to the City's zoning regulations requires an 80,000 square foot minimum lot size (approximately 1.8 acres) or 0.5 units per acre. The applicant has indicated that under Special Regulations the property would be eligible for development of a greater density if its use were restricted to an "Active Adult Community." The Density Standards for an Active Adult Community would allow up to 8 units per acre.

The applicant asserts that in order to facilitate this development it is necessary to extend public water and sewer to this parcel. The current Rural Lands designation would prohibit the use of state funds supporting the introduction of such infrastructure to this area. Thus, the applicant is requesting a change to a Neighborhood Conservation designation whereby the extension of infrastructure would be consistent with the C&D plan.

Recommendation

OPM recommends that the Continuing Committee not approve Norwichtown Development's request to change the sites' C&D designation from "Rural" to "Neighborhood Conservation." In order to provide this site with access to public water and sewer, it would require the extension of public water and sewer approximately 5,000 feet. Nearly 2,500 feet of this would go through areas designated as Rural and Conservation areas, which are not addressed in this application, before reaching the subject property. OPM's concern is that such an extension would facilitate further intensive development in these areas that are not subject to a change under this

application. In doing so, the potential exists for further requests for changes to the C&D Plan's Locational Guidemap requiring the action of OPM and the Continuing Committee.

In addition to potential impacts on other areas, OPM questions the necessity for the change at this time. The applicant indicates that the City's zoning regulations require that Active Adult Communities be connected to public water and sewer. However, Section 7.6.4(h) of the Norwich zoning ordinance states:

"Sanitary Requirements. All such buildings shall be connected to public water and sanitary sewerage systems, or private sewerage systems which meet the requirements of local and state department of health."

OPM is not aware if the applicant has investigated the potential of on-site alternatives for water and sewer in this area such as a community septic system or alternative treatment technologies. The use of such technologies, when constructed properly, can provide for the type of development density the applicant seeks. Such alternatives could negate the need to extend public utilities to the subject parcel, yet still accommodate cluster type or "Conservation Development" techniques that are supported in the C&D Plan for Rural Lands.

The City of Norwich has waived its right to a public hearing with regard to this application. As a result, OPM must make this recommendation based solely on the information presented by the applicant. OPM is not aware of any previous approvals issued at the local level, including a willingness or capacity to service this area with public water and sewer. Further OPM is not aware of any measures that may be in place to limit development densities that may be achieved in the additional areas not subject to this application, through the introduction of this infrastructure. Similarly, OPM is not aware of any provisions for open space preservation or "Conservation Development" techniques that may be planned on site. The City's plan of conservation development does encourage development of elderly housing yet also encourages the maintenance of low-density development within this particular area (known as the "Plain Hill" area). Additionally, the plan suggests that subdivision design should be done in accordance with the natural carrying capacity of the land, which is consistent with the current designation of Rural Lands.

In light of these issues, OPM recommends that this area remain designated as Rural Lands. There are significant areas in Norwich designated for growth where the use of state funding for infrastructure and development of this nature would be more appropriate. Neighborhood Conservation areas are typically already developed, dense residential areas with existing infrastructure. Generally, state policy for these areas is to promote infill development where the infrastructure to support it exists. Considering the low-density zoning of the area, OPM believes a change from Rural to Neighborhood Conservation would not be appropriate for this area.



CITY
OF
NORWICH

Mayor Benjamin P. Lathrop

September 29, 2008

State Senator Eric Coleman
State Representative Art Feltman
Chairmen Continuing Legislative Committee on Planning and Economic Development
Legislative Office Building
Hartford, CT 06106-1591

Dear Chairmen Coleman and Feltman:

The matter of a vote taken on July 10, 2008 remains of particular concern to officials in the City of Norwich as well as its residents. On that date the Continuing Legislative Committee on Planning and Economic Development voted by a 3-2 margin to approve the application of Messrs. Abele and Donner of Norwich to override the negative recommendation of the State Office of Policy Management received by the City on June 13, 2008. A careful analysis of the record of the meeting will reveal there were significant questions about the position of Norwich Officials on the matter. Despite that, a vote was taken. In hindsight, we would have preferred that the Committee had tabled the matter and asked City officials to attend a rescheduled meeting to address your concerns.

Notice had been tendered by Norwich Officials on June 2, 2008 indicating the City would not seek nor would pass on the opportunity to have a public hearing on the matter. This decision was based upon a planning review by staff. In part, documents supporting the decision to waive the opportunity for a joint public hearing to be held locally were the 2003 City of Norwich Plan of Conservation and Development, Norwich Department of Public Utilities infrastructure plans and City of Norwich Zoning Regulations.

A more comprehensive document citing items reviewed, relative to the waiver of the local hearing, is attached for your review. One must keep in mind that the subject of the request at the time of staff review was the potential extension of public infrastructure, not a specific project. In light of these factors, we believe staff's findings were appropriate.

Within the past week, the subject at hand has taken on additional significance, due in no small part to the neighborhood reaction to the proposed active adult community project. In light of the recent level of local concern, I am requesting on behalf of the City that when your committee next convenes you allow a motion to be made and rule favorably on having this vote reconsidered. I look forward to your response and appreciate your consideration in the important matter.

Sincerely,

A handwritten signature in cursive script that reads "Benjamin P. Lathrop".

Benjamin P. Lathrop, Mayor
Enclosure(s)

100 Broadway, Norwich, Connecticut
Telephone (860) 823-3742 Fax (860) 885-2914
E-Mail mayorsoffice@cityofnorwich.org



EXHIBIT G

CITY OF NORWICH
Department of Planning & Development
23 Union St.
Norwich, CT 06360
(860) 823-3766

Peter W. Davis
Director

Michael Schaefer
City Planner

October 22, 2008

TO: Mayor Benjamin P. Lathrop
Aldermen, City of Norwich City Council
City Manager Alan Bergren

FROM: Ralph Page, Chairman *PWD for RP.*
Commission on the City Plan

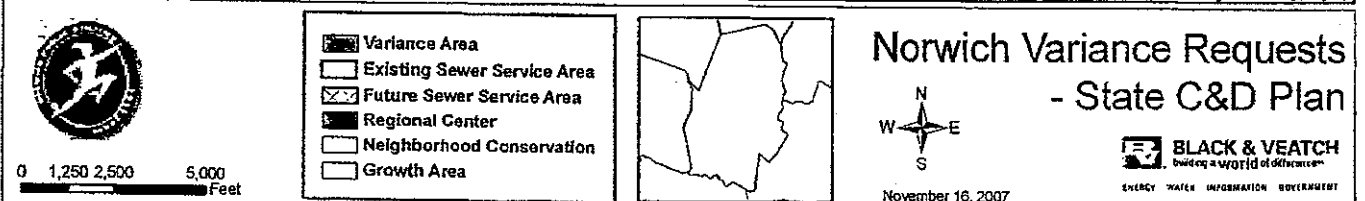
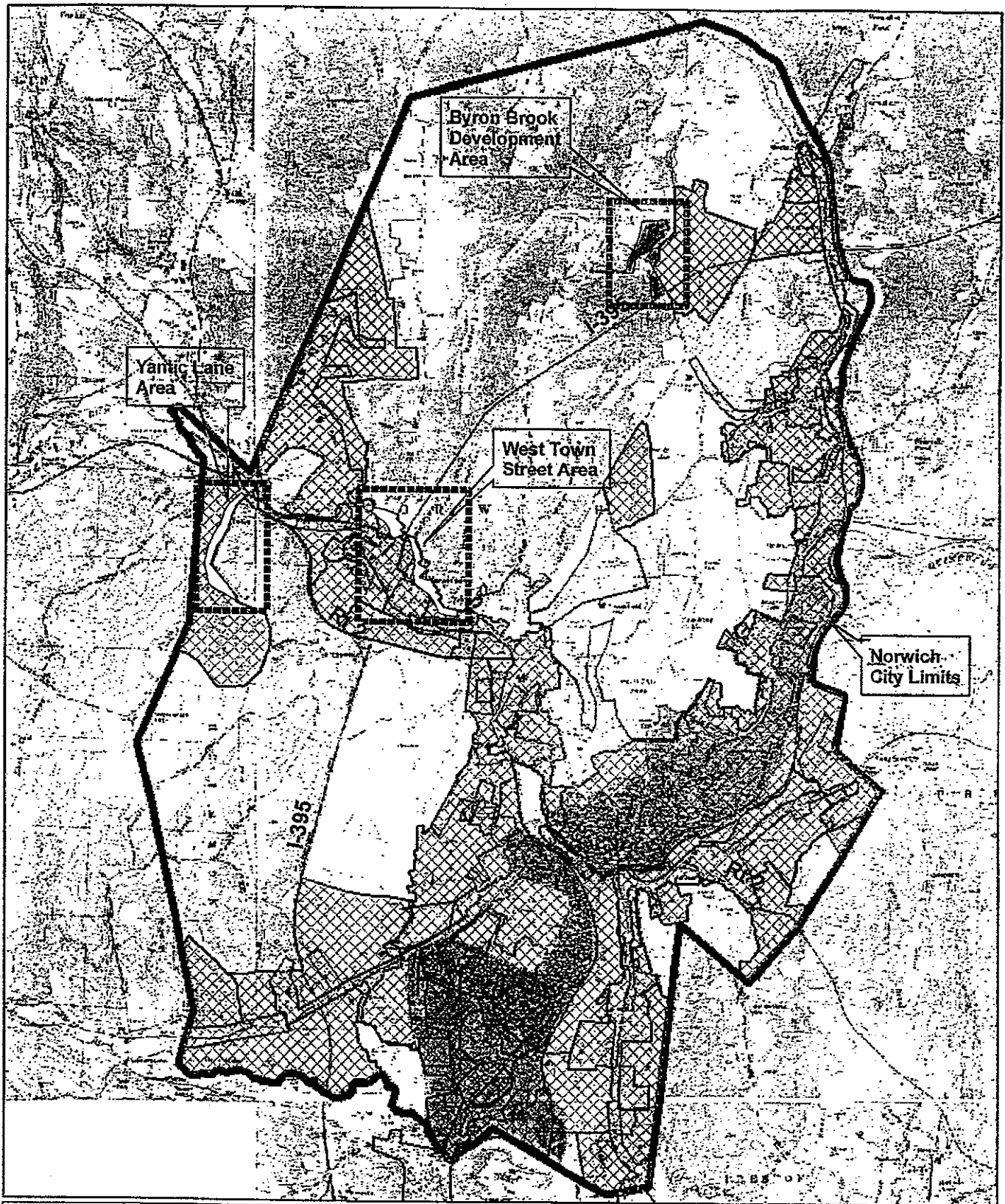
SUBJECT: City Council Referral: Request for Advisory Opinion on Application for Interim Map
Change to the State Plan for Conservation & Development

In accordance with Connecticut General Statutes Section 16a-32(b), the Commission on the City Plan has reviewed the City of Norwich's application to the Office of Policy and Management requesting an interim map change from Neighborhood Conservation to Rural for an approximately 60-acre parcel of land located between Hansen and Scotland Roads.

At the October 21, 2008 regular meeting of the Commission on the City Plan, the subject application was described by Planning Department staff. After careful consideration of the matter, the Commission moved, seconded and unanimously voted to support the City's application for the interim change. A determination was made by the Commission, that the area which is the subject of the application should be re-designated as Rural Lands.

The Commission on the City Plan was of the opinion that the rural character of the area should be maintained. The current designation of Neighborhood Conservation would permit the possible extension of water and sewer infrastructure to the area, which could impact rural character.

If there are any questions regarding this matter, I would request that you contact City Planning staff.



V



Turner Miller Group
planning consensus community

Land use, economic development, and environmental planning
Facilitating consensus among diverse constituents
Creating sustainable communities

December 1, 2008

State Senator Eric Coleman
State Representative Art Feltman
Chairmen and Members
Continuing Legislative Committee on Planning & Economic Development
Legislative Office Building
Room 2100
Hartford, CT 06106-1591

The Honorable Robert L. Genuario
Secretary, Office of Policy & Management
State of Connecticut
450 Capitol Avenue
Hartford, CT 06106-1379

Re: City of Norwich Application for Interim Change to State Conservation and Development Policies Plan

Dear Chairmen Coleman and Feltman, Members of the Continuing Legislative Committee, and Secretary Genuario:

Norwichtown Development, L.L.C., the owner and developer of property whose interests will be adversely affected by a reversal of a decision made by the Continuing Legislative Committee on July 10, 2008, has requested that I analyze the above indicated application for an interim change to the Locational Guide Map of the Conservation and Development Policies Plan for Connecticut, 2005-2010. The applicant for these changes, the City of Norwich, is requesting the reclassification of approximately 60 acres of land that are currently designated as Neighborhood Conservation to Rural Lands. As you know, this request for reclassification, presented as a request for reconsideration, comes less than three months after the City waived its right to request a hearing on the reclassification to Neighborhood Conservation from Rural Lands in explicit support for the reclassification voted by your Committee on July 10, 2008. The analysis set forth in this letter is based upon policies and procedures of the State of Connecticut, as well as accepted professional planning practices and procedures.

Existing Situation

The subject property is located within the northern section of the City of Norwich, and is bounded on the west by Scotland Road and on the east by Hansen Road. The surrounding area has suburban and rural characteristics, as is typical for neighborhoods on the edge of urban centers.

1. The subject location is in close proximity to urbanized areas of Norwich, and is less than two miles from an interchange of Interstate 395, and less than four miles from downtown Norwich.
2. A large section of the area of the City of Norwich north of Interstate 395 has been designated as a Growth Area, which would facilitate the installation of necessary infrastructure. In fact, the subject property is approximately just one-quarter mile from a designated growth area.

Findings

1. Smart growth principles, as is currently being advanced by the State of Connecticut, generally would encourage growth and the placement of infrastructure within or in proximity to established urban areas and transportation corridors, while preventing or discouraging growth in the more remote, rural areas of the State. The City of Norwich is one of the oldest cities in the State, and has been well established for over a century. Norwich has served, and remains one of the two major growth centers of southeastern Connecticut. Its physical and social infrastructure is well positioned to accommodate future growth, which would be beneficial to the local and state economy. As a policy, the State has been and should continue to direct growth into Norwich and similar communities, with preservation policies strengthened in the large number of rural communities within the region.
2. The application to reclassify this property from Rural Lands to Neighborhood Conservation Area was approved by the Continuing Committee on July 10, 2008. Land use planning should be long-term in nature, and adjusted only in response to changing conditions or circumstances.

Land use designations in a long-range plan, or zoning for that matter, should not be changed back and forth in a few month's time. Sound land use planning must be based upon a decision making process that is attributed to analysis and evaluation of conditions. It is important that investors are able to rely on the important decision making entities as to evaluate whether or not to proceed with their investment decision. The State of Connecticut should not contribute to investment uncertainty by the reversal of decision which influences investment in a short time period between July 2008 and November, 2008.

3. The State is in the process of updating the Plan of Conservation and Development, and personnel from the Office of Policy and Management have spent a great deal of time and effort reaching out to communities as part of this effort. Presumably, this will be a broad-based effort which will factor in changing social and economic trends, and the challenges which are confronting our State and its communities. A piecemeal change amendment which undoes a previous action could be construed as trivializing the important comprehensive update.
4. In a letter dated April 30, 2008, the Norwich Public Utilities department indicated that it has adequate water, sewer, natural gas, and electric capacity available to service the proposed active adult community. Therefore, the current land use classification of neighborhood conservation is appropriate, in that the

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subject property can be adequately served by the public infrastructure available within the City of Norwich.

5. The consideration of this application is not about a specific development project or zoning decision. If the Continuing Legislative Committee reverses its decision of July 10, 2008, the proposed active adult community, though made more difficult to permit and develop, would not be precluded as the current zoning allows the use. On the other hand, maintaining the status quo would not guaranty development of the project as proposed because of the several required approvals remaining. The current land use designation would still require any proposed development to be subject to all of the procedures and requirements of the City of Norwich, including conformance with their zoning regulations, and approval by the City Plan Commission. What the Continuing Legislative Committee will do in upholding its July 10, 2008 decision will be to reinforce the stability of its decision-making process and reiterate the State of Connecticut's enunciated policy that smart growth requires in-fill development in our central cities with adequate public water and sewer service. To decide otherwise is to embrace destabilization, the taking of private property rights from developers who have reasonably relied on the plan to their detriment, and sprawl.
6. The continued growth and revitalization of the City of Norwich depends upon a range of developments, which serve different segments of the economy and its residents. We all recognize that additional development within the downtown core is desirable, but it is not all that is needed to move the community into a balanced twenty-first century community.
7. Southeastern Connecticut has experienced an economic rebirth over the past two decades; fueled by the growth of the gaming industry, the emergence of the pharmaceutical industry, and sustenance of Electric Boat. However, this economic growth has been threatened by a shortage of housing. The 2007 Regional Plan of Conservation and Development stated; "The 2002 SCCOG study entitled, *Housing a Region in Transition: An Analysis of Housing Needs in Southeastern Connecticut, 2000-2005*, concluded that the region was not only facing a housing crisis, but that there were a number of obstacles preventing effective management of the complex regional housing issues. The housing crisis was characterized by a limited supply of units, limited choice of housing types and locations, and an increasing lack of affordability."¹

The Regional Plan further stated; "An update to the 2002 Housing Analysis was completed in 2004, entitled *Analysis of Selected Data and Updated Forecasts of Housing Need for the Southeastern Connecticut Planning Region, 2000-2010*. This study indicated that there is still a need for housing in the region. The ten-year housing needs estimate indicated a need for between 5,200 and 8,000 new units in order to meet the region's housing needs from 2000-2010. The study specified that a higher portion of these units should be multi-family rental units and owner-occupied homes at affordable prices."²

From the planning standpoint, it should be noted that providing for age-55 and older multi-family housing has an important "trickle-down" effect that will benefit families at all life cycle stages. Typically, when an individual or couple moves into an age-restricted housing unit, they vacate a single-family unit then made available for families with children. They may also vacate a small apartment or

¹ Regional Plan of Conservation and Development; Southeastern Connecticut Council of Governments; page 23

² Ibid, page 29

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owner-occupied unit, opening up new housing opportunities for young singles, couple, empty-nesters and retirees. Increasing the supply of existing market-rate units in this way provides more units in the moderate and low price ranges as existing units are invariably less expensive to rent and buy than new construction. In short, when the Continuing Legislative Committee enables the orderly and appropriate extension of public infrastructure within central cities where in-fill private development and redevelopment is best provided for, it is benefiting housing opportunities for the full range of households in the region, all through private economic development and without the expenditure of public monies.

The Regional Plan concluded:

The current housing situation is attributed in part to five major complex variables that influence housing demand, supply, and affordability. The five factors are: economic shifts which have replaced high-wage manufacturing jobs with significantly lower-paying service industry jobs; population trends which result in the continued movement away from urban communities; ***zoning policies reflecting the dependence of local government on property taxes; limited infrastructure especially water supply, sewerage and transportation systems which inhibit the development of higher density housing;*** and limited building sites which are physically suitable for development without extensive investment.³

8. The denial of this application for an amendment to the State Plan would not, in any way, remove the ultimate decision as to how this property would be used from the appropriate regulatory commissions and boards of the City of Norwich. The City Plan Commission retains its regulatory power to either approve or deny this application. With respect to this conclusion, the approval of this application would:
 - Deny the City of Norwich an opportunity to enhance its tax base by permitted the development of an age-restricted housing development oriented towards people with disposable income. If this application is denied, the Norwich City Plan Commission would have the opportunity to have a fiscal impact analysis of this proposal completed so that it could determine the economic and fiscal impact of this proposal on the City.
 - Deny a potentially promising opportunity to have adequate infrastructure extended to expand the housing stock of the region. The lack of infrastructure was indicated as a primary deterrent to the development of housing to meet the needs of the growing economy of Southeastern Connecticut.
 - Usurp the City's and State's independent authority to decide on on the adequacy of the highway infrastructure. The adequacy of the road system would be evaluated as part of the review process by both the City and the State Traffic Commission to determine its ability to accommodate the proposed development.
9. In his letter of September 29, 2008, the Mayor of Norwich indicated that the changes in condition were due; "in no small part to the neighborhood reaction to the proposed active adult community project." I would suggest that the process of proposed changes in the land use classification of specific properties

³ Ibid, page 30

should encompass whatever public input is necessary, based upon the judgment of the municipality. An important component of sound land use planning is certainty, which is when a process is followed; the decision of the process should be binding to enable investment which is appropriate to the land use and development goals of the State and its municipalities. This process was followed, and any reconsideration or change on the part of the municipality should not influence the decision of the State body responsible for state land use planning. The municipality will have ample opportunity to regulate and direct development of this site through its powers of zoning, water pollution control, and regulation of inland wetlands.

10. In a memorandum dated September 22, 2008 from Peter W. Davis, Director of Planning & Development to Alan Bergren, City Manager, the following statements were made which provided the firm basis for the Committee's approval on July 10, 2008, all of which are relevant to this application:

- *Planning and DPU staff had been working with the developer on the matter of modifying the State C & D Plan.*
- *Our City of Norwich Zoning Ordinance allows for the proposed level of development in accordance with the regulations for an Active Adult Community, unanimously adopted by the City council in early 2007.*
- *Our zoning ordinance requires that Active Adult Community be served by municipal water and sewer, or a community system. The applicant chose to design the project to be served by municipal water and sewer instead of an on-site community system. Accordingly, the need for the request to modify the State C & D Plan.*
- *Our zoning ordinance requires that any application for a proposed Active Adult Community be subject to a public hearing conducted by the Commission on the City Plan. There are extensive public notification requirements as part of the special permit application process. In fact, the public notice requirements for Active Adult Community applications exceed any other public notice requirements in our current zoning ordinance.*
- *I thought that it would not be prudent to place the issue of the proposed change to the State C & D Plan in front of the Commission on the City Plan in order that the City avoid the appearance that there was a pre-determined opinion of the Active Adult Community proposal before the public hearing date was set.*
- *The Commission on the City Plan, with a large amount of public and City support, recently approved a development within the same neighborhood [Byron Brook – which will require a change to Neighborhood Conservation to be developed] that consists of 600 residential units, a golf course resort, including a large community facility and significant road extensions that opens up approximately 70 acres of commercial land for development. This project also included major infrastructure upgrades from Route 97 to Canterbury Turnpike and Lawler Lane at the developer's expense.....*

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- *Extension of water and sewer utility infrastructure to the rural areas of the City is a stated goal of the 2003 Plan of Conservation and Development. The 2003 Plan update was unanimously adopted by the City council in 2003.*

This would indicate that the City of Norwich has a policy to extend utility service to undeveloped areas of the City, in accordance with Smart Growth Principles, which promote development in those areas which have the infrastructure and existing facilities to sustain additional development. The City of Norwich is an historic community within the State of Connecticut, within which growth resources should be concentrated. The 2003 Plan of Conservation and Development re-enforced this Smart Growth stipulation and should be sustained by the decisions concerning the State Plan of Conservation and Development.

- *Extension of water & sewer utility infrastructure to the rural areas of the City is a stated goal of the 2003 Plan of Conservation and Development. The 2003 Plan update was unanimously adopted by the City Council in 2003.*

Therefore, the approval of this amendment would be inconsistent with the Norwich 2003 Plan of Conservation and Development.

- *For approximately four years, City staff and administrators have been working together with Norwich Public Utilities and the Fire Service to develop a plan for the extension of public water infrastructure into areas of the City that are under-served. The primary driver of this effort has been the development of multi-family housing in such areas. I considered this an opportunity to further extend municipal infrastructure, at the developer's cost, to an under served area that is experiencing increased development pressure.*
- *Relative to the proposed housing density level, there are public health and resource protection values associated with the extension of public water and sewer service to areas such as the proposed development site.*

These statements indicate that there are reasonable considerations for the classification of this area as a neighborhood conservation area, and the extension of public sewer service to the area, which would enhance the growth and development of the City of Norwich. As stated previously, the approval of the Continuing Legislative Committee would not pre-empt local zoning approval; instead it would enable the local zoning authority to make the decision it deems appropriate in accordance with the procedures of the City of Norwich zoning regulations.

11. Many recent municipal proposals to amend the State Plan have been the result of a recent update of the municipal Plan of Conservation and Development, or some other special planning study. The information presented by the City of Norwich showed no indication of a recent planning effort which would contradict the July, 2008 decision.
12. The Conservation and Development Policies Plan for Connecticut, 2005-2010 (C&D Plan) is comprised of two separate components – the Plan text and the Locational Guide Map. Both components include policies that are intended to guide the planning and decision-making processes of state government.

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The policies contained in the C&D Plan text provide the context and direction for state agencies to implement their plans and actions in a manner consistent with the following six Growth Management Principles (GMPs):

- 1) Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure
- 2) Expand Housing Opportunities and Design Choices to Accommodate a Variety of Household Types and Needs
- 3) Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options
- 4) Conserve and Restore the Natural Environment, Cultural and Historical Resources, and Traditional Rural Lands
- 5) Protect and Ensure the Integrity of Environmental Assets Critical to Public Health and Safety
- 6) Promote Integrated Planning Across all Levels of Government to Address Issues on a Statewide, Regional and Local Basis

The approval of this amendment would be inconsistent with many of the overall goals of the state Plan.

Conclusion

Virtually no defensible land use planning goals or principles would be served in approving this amendment. The City of Norwich has the authority and discretion to make an appropriate decision concerning the use of this property, based upon the review and procedures of its zoning and other regulations. The approval of this application, as a reversal of a decision made five months ago would compromise the state planning process, prevent to he development of needed housing, damage the private property rights of those who acted in reasonable reliance on the decision of July 10, 2008, destabilize state and local planning, and encourage sprawl by pushing development away from areas served by public infrastructure.

Process is an important component of planning. Decisions must be made based upon consideration of policy and circumstances, not just a shift in public opinion. If decisions cannot be relied upon, the planning process will not promote beneficial development.

Sincerely,

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Years of Experience: 32

Licenses, Certificates, Awards and Associations:

- Member - American Institute of Certified Planners (AICP)
- Licensed Professional Planner, State of New Jersey
- Chairman, Cheshire Economic Development Commission
- Member of the State of Connecticut Blue Ribbon Commission to Study Affordable Housing, 1999-2000
- Cheshire Housing Authority, Treasurer 1992-1998
- Legislative Committee Cochairman, American Planning Association CT Chapter, 1992-1997

Relevant Project Experience:

Consulting Staff Planner – Town of Oxford, CT

Consulting Staff Planner – Town of Beacon Falls, CT

Consulting Staff Planner – Town of Middlebury, CT

Consulting Staff Planner – Town of Stafford, CT

Consulting Staff Planner – Town of Orange, CT

Economic Development Consultant – CERC (Connecticut Economic Resource Center) Rocky Hill, CT

- Assist and coordinate the municipal economic development efforts for statewide, non economic development organization.
- Managed Team effort in formulation of action strategy for revitalization of downtown Willimantic Connecticut
- Formulation of business retention strategy for City of Meriden, Connecticut
- Formulation of Municipal Economic Strategy – Salem Connecticut
- Economic Development Analysis – North Branford, Connecticut
- Administered Grant for Downtown Development Study – Meriden Economic Resource Group, Meriden, CT
- Downtown Planning Study, Plainville, CT

Plans of Conservation and Development/ Comprehensive Plans

- Little Falls, NJ
- Poughkeepsie, NY
- North Haledon, NJ
- Oxford, CT
- East Haven, CT
- West Haven, CT
- Cromwell, CT
- Somers, CT
- Coventry, CT
- City of Groton, CT
- Plainville, CT
- Tolland, CT
- Marlborough, CT
- North Branford, CT

Zoning Regulations

- Stafford, CT
- Orange, CT
- North Branford, CT
- Oyster Bay, NY
- Oxford, CT
- Wilton, CT
- Watertown, CT
- Tolland, CT
- Berlin, CT

Special Studies and Projects

- Route 67 Corridor Housing Incentive Plan; Oxford, CT
- Naugatuck River Corridor Housing Incentive Plan; Beacon Falls, CT
- Durham Economic Development Study, Durham, CT
- Formulation of Economic Development Strategy – Tolland, Connecticut
- Planning Analysis of Proposed Zone Change, Torrington, Connecticut
- Analysis of Proposed Development; "Reserve at Poplar Farms", Westport Connecticut
- Planning – Needs Analysis – Proposed Active Adult Residential Development, Cromwell, Connecticut
- Planning Analysis; Wintergreen Multi-Family Development; New Haven, CT
- Planning – Economic Impact Analysis of Proposed Zone Change for Distribution Facility; Killingly, CT
- Town of Beacon Falls – Downtown Plan
- Town of Oxford – Oxford, Center Plan
- Town of Oxford – North Area Industrial Study
- Planning Analysis of Properties of Richards Farms, Clinton, CT
- Town of Brookfield – Planning Analysis of Proposed Affordable Housing Application

- Blue Hills Avenue – Commercial Redevelopment Study, Hartford, CT
- Analysis of Proposed Amendments to the Subdivision Regulations, Town of Newtown, CT
- Analysis of Proposed Amendments to the Subdivision Regulations, Town of Easton, CT
- Ward Street Extension Zone Change, Wallingford, CT
- Naugatuck River Heritage Park, Waterbury, CT
- Fresh Meadows Industrial Park, West Haven, CT
- Route 107 Commercial Corridor, Glen Cove, NY
- Mystic Seaport, Mystic, CT

Fiscal/ Market/ Project Analysis

- Development Feasibility Study, East Hampton, CT
- Planning and Fiscal Impact Analysis of Proposed Multi-Family Residential Development, Landworks LLC, Farmington, CT
- Analysis of proposed Zoning Amendment for Extended Stay Hotels; ESA Inc., Milford, CT
- Fiscal Impact Analysis of Proposed Multi-Family Residential Development, Chapman Properties, Vernon, CT
- Analysis of Cipolla Application for Zone Change, New Britain, CT
- Analysis of Proposed Zone Change, Ward Street Extension, Wallingford, CT
- Project Analysis of Proposed Affordable Housing Development, Town of East Granby, CT
- Analysis of Old Farms Crossing; Proposed Affordable Housing Development, Avon CT
- Somerset Square - Plan Revision, Glastonbury, CT
- Proposed A & P Shopping Center, Mystic, CT
- Culbro Land Resources, Simsbury, CT
- Town Ice Rink-Market Analysis, Wallingford, CT
- Western Ct. State University Ice Rink-Market Analysis, Danbury, CT

Previous Employment:

- Director of Development Services, Town of Berlin, CT 1994- 2002
- Principal – Eastern Land Use Associates – 1987 to Present
- Long Range Planning Administrator – City of Longmont, Colorado 1982-1987
- Community Development Coordinator, Concord Housing Authority, Concord, MA 1981-1982
- Economist – Planner – New England Regional Commission, Boston, MA 1980-1982
- Planner, City of Chicopee, MA 1978-1980

Education:

- 1975 State University of New York at Albany - Bachelor of Arts, Economics
- 1980 University of Illinois – Master of Urban Planning,